



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,416	04/12/2001	Arthur James Tysor	AUS920000873US1	1628

7590

03/09/2005

BRACEWELL & PATTERSON L L P  
Intellectual Property Law  
P O Box 969  
Austin, TX 78767-0969

EXAMINER

MILLER, BRANDON J

ART UNIT PAPER NUMBER

2683

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/833,416	<b>Applicant(s)</b> TYSOR, ARTHUR JAMES	
	<b>Examiner</b> Brandon J Miller	<b>Art Unit</b> 2683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-10,12,14-19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,8,10 and 16 is/are allowed.
- 6) ☒ Claim(s) 1,9,12,14,15,17-19 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 4-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Introduction***

1. In view of the Appellant's Brief filed on 11/15/2004, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter:

Claims 2 and 10 contain allowable subject matter because the prior art does not teach or reasonably suggest providing a user-selectable option for tracking available usage time remaining within the service plan minutes, the user-selectable option being provided within a menu of available options provided by internalized applications of the cellular telephone; and prompting a user for user-input of options for tracking service plan information and displaying available minutes information on the built-in display device, wherein the displaying information is selected from among displaying actual available minutes and displaying a time tracking bar

Art Unit: 2683

indicative of a percentage of available minutes remaining wherein the prompting is initiated when the available usage time menu option is selected.

Claims 8 and 16 contain allowable subject matter because the prior art does not teach or reasonably suggest selecting a concurrent display that concurrently displays both a numerical output and a graphical bar.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-5, 9, 12, 17-19, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raith in view of Abdella.

Regarding claim 1 Raith teaches a single unit cellular telephone with internal processor and memory and built-in display device and keyboard (see col. 6, lines 29-54). Raith teaches a method of tracking available monthly service minutes for a user of a cellular phone (see col. 8, lines 49-55 and col. 11, lines 26-30). Raith teaches recording and storing a number of monthly service minutes in the memory of the cellular phone (see col. 10, lines 23-25). Raith teaches monitoring time usage for calls on the cellular phone via an internal processor and memory (see col. 6, lines 44-48, col. 7, lines 43-50, col. 8, lines 49-55). Raith teaches displaying available time of available monthly service minutes on a built-in display device of the cellular phone (see col. 11, lines 26-30 & 32-34). Raith does not specifically teach service plan minutes. Raith does teach an amount of monthly service minutes for a user of the cellular phone (see col. 10, lines

Art Unit: 2683

29-31). Abdella teaches account time information included in a cellular phone service plan (see col. 6, lines 37-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the available monthly service minutes in Raith to be identified as service plan minutes because service plan minutes are usually given on a monthly basis and it allows for efficient monitoring of monthly communication costs.

Regarding claim 4 Raith teaches monthly service minutes that includes a number of peak period minutes and off-peak period minutes (see col. lines 19-23). Raith teaches monitoring that comprises separately monitoring peak period minutes and off-peak period minutes (see col. 6, lines 19-23 col. 11, lines 65-67, and col. 12, lines 10-15). Raith teaches displaying that comprises separately displaying a first available minutes output associated with peak period minutes and a second available minutes output associated with off-peak minutes (see col. 11, lines 26-33 and col. 12, lines 10-15). Raith teaches displaying available minutes as a numerical value (see col. 11, lines 52-53). Raith does not specifically teach service plan information or displaying a time tracking bar when time-bar display option is selected. Raith does teach an amount of monthly service minutes for a user of the cellular phone (see col. 10, lines 29-31). Raith does teach available minutes that are displayed on a display device able to utilize different formats for display at the terminal (see col. 11, lines 30-34). Abdella teaches account time information included in a cellular phone service plan (see col. 6, lines 37-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the available monthly service minutes and display format in Raith to be identified as service plan minutes and a time-bar because service plan minutes are usually given on a monthly basis and a

Art Unit: 2683

time-bar would allow for an improved method of monitoring and controlling communication cost.

Regarding claim 5 Raith and Abdella teach a device as recited in claim 4 except for displaying only the first available minutes output during a clock time associated with the peak period minutes and displaying only a second available minutes output during a next clock time associated with the off-peak period minutes. Raith does teach respectively displaying available minutes output during a time period associated with peak period minutes and displaying a second available minutes output during a next time period associated with off-peak minutes (see col. 11, lines 26-33 and col. 12, lines 10-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the time periods in Raith adapt to include a clock time associated with peak and off-peak minutes because a clock time is a time period and it would allow for an improved method of monitoring and controlling time spent on special calls.

Regarding claim 9 Raith teaches a cellular telephone comprising an internal processor and associated memory; and a built-in display device (see col. 6, lines 29-54). Raith teaches program code executed by an internal processor for tracking available monthly service minutes for a user of a cellular phone (see col. 7, lines 42-49, col. 8, lines 49-55 and col. 11, lines 26-30). Raith teaches recording and storing a number of monthly service minutes in the memory of the cellular phone (see col. 10, lines 23-25). Raith teaches monitoring time usage on the cellular phone via internal processor and memory (see col. 6, lines 44-48, col. 7, lines 43-50, col. 8, lines 49-55). Raith teaches displaying available time of available monthly service minutes on the built-in display device of the cellular phone (see col. 11, lines 26-30 & 32-34). Raith does not specifically teach service plan minutes. Raith does teach an amount of monthly service minutes

Art Unit: 2683

for a user of the cellular phone (see col. 10, lines 29-31). Abdella teaches account time information included in a cellular phone service plan (see col. 6, lines 37-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the available monthly service minutes in Raith to be identified as service plan minutes because service plan minutes are usually given on a monthly basis and it allows for efficient monitoring of monthly communication costs.

Regarding claim 12 Raith teaches monthly service minutes that includes a number of peak period minutes and off-peak period minutes (see col. lines 19-23). Raith teaches program code for executing instructions (see col. 7, lines 43-50). Raith teaches monitoring that comprises separately monitoring peak period minutes and off-peak period minutes (see col. 6, lines 19-23 col. 11, lines 65-67, and col. 12, lines 10-15). Raith teaches displaying that comprises separately displaying a first available minutes output associated with peak period minutes and a second available minutes output associated with off-peak minutes (see col. 11, lines 26-33 and col. 12, lines 10-15). Raith does teach respectively displaying available minutes output during a time period associated with peak period minutes and displaying a second available minutes output during a next time period associated with off-peak minutes (see col. 11, lines 26-33 and col. 12, lines 10-14). Raith teaches displaying available minutes as a numerical value (see col. 11, lines 52-53). Raith does not specifically teach service plan information or displaying a time tracking bar when time-bar display option is selected. Raith does teach an amount of monthly service minutes for a user of the cellular phone (see col. 10, lines 29-31). Raith does teach available minutes that are displayed on a display device able to utilize different formats for display at the terminal (see col. 11, lines 30-34). Abdella teaches account time information included in a

Art Unit: 2683

cellular phone service plan (see col. 6, lines 37-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the available monthly service minutes and display format in Raith to be identified as service plan minutes and a time-bar because service plan minutes are usually given on a monthly basis and a time-bar would allow for an improved method of monitoring and controlling communication cost.

Regarding claim 17 Raith teaches a cellular telephone system comprising: a service provider; and at least one cellular telephone that is provided cellular service via a service provider (see col. 10, lines 16-24). Raith teaches means for tracking minute usage for calls on the cellular telephone (see col. 8, lines 49-55). Raith teaches means for providing a user of the cellular phone with a display of available monthly service minutes associated with a cellular phone (see col. 11, lines 26-30 & 32-34). Raith teaches available minute usage information that can be displayed at one or more of a number of display periods including: at power on of the cellular telephone; at completion of each cellular call; at a user request for display of available minutes and continuously while the display device is on (see col. 9, lines 5-8 & 35-40). Raith does not specifically teach service plan minutes or available minutes that are displayed as a graphical bar on a display device at one or more of a number of programmed display periods. Raith does teach an amount of monthly service minutes for a user of the cellular phone (see col. 10, lines 29-31). Raith does teach available minutes that are displayed on a display device built into the cellular phone with the cellular phone able to utilize different formats for display at the terminal (see col. 11, lines 30-34). Abdella teaches account time information included in a cellular phone service plan (see col. 6, lines 37-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the available monthly



Art Unit: 2683

service minutes and display formats in Raith to be identified as service plan minutes and a graphical bar because service plan minutes are usually given on a monthly basis and a graphical bar would allow for an improved method of monitoring and controlling communication cost.

Regarding claim 18 Raith teaches tracking means including monitoring minute usage at a database of a service provider; and providing means including transmitting an available minutes to the cellular phone at a termination of each call (see col. 4, lines 32-40 and col. 11, lines 26-30). Raith teaches a display that includes the transmitted available minutes (see col. 11, lines 32-37).

Regarding claim 19 Raith teaches monthly service minutes that includes a number of peak period minutes and off-peak period minutes (see col. lines 19-23). Raith teaches a cellular telephone that comprises a processor and associated memory; a display device (see col. 6, lines 29-54). Raith teaches program code executed by the processor for tracking available monthly service minutes for use of a cellular phone (see col. 7, lines 42-49, col. 8, lines 49-55 and col. 11, lines 26-30). Raith teaches recording a number of monthly service minutes in the memory of the cellular phone (see col. 10, lines 23-25). Raith teaches separately monitoring peak period minutes and off-peak period minutes (see col. 6, lines 19-23 col. 11, lines 65-67, and col. 12, lines 10-15). Raith teaches displaying that comprises separately displaying a first available minutes output associated with peak period minutes and a second available minutes output associated with off-peak minutes (see col. 11, lines 26-33 and col. 12, lines 10-15). Raith does not specifically teach service plan information. Raith does teach an amount of monthly service minutes for a user of the cellular phone (see col. 10, lines 29-31). Abdella teaches account time information included in a cellular phone service plan (see col. 6, lines 37-40). It would have

Art Unit: 2683

been obvious to one of ordinary skill in the art at the time the invention was made to modify the available monthly service minutes in Raith to be identified as service plan minutes because service plan minutes are usually given on a monthly basis and it would allow for an improved method of monitoring and controlling communication cost.

Regarding claim 21 Raith teaches displaying available minutes at one or more of a number of programmed display periods including: at power on of the cellular telephone; at completion of each cellular call; at a user request for display of available minutes; and continuously while the display device is on (see col. 9, lines 5-8 & 35-40).

Regarding claim 22 Raith teaches automatically downloading monthly service information from a service provider during power up of a cellular telephone; and receiving periodic updates of available time from a service provider (see col. 10, lines 11-13, 16-24, and 30-33). Raith does not specifically teach service plan information. Raith does teach an amount of monthly service minutes for a user of the cellular phone (see col. 10, lines 29-31). Abdella teaches account time information included in a cellular phone service plan (see col. 6, lines 37-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the available monthly service minutes in Raith to be identified as service plan minutes because service plan minutes are usually given on a monthly basis and it would allow for an improved method of monitoring and controlling communication cost.

Regarding claim 23 Raith and Abdella teach a device as recited in claim 9 except for a service plan that tracks and deducts time usage in time blocks other than whole minute blocks, the program code for implementing the monitoring step includes: program code for tracking available time based on a number of blocks of time remaining; and program code for displaying

Art Unit: 2683

the available time with an indication of a smallest number of blocks other than whole minutes that is available. Raith does teach a service provider that deducts time usage in time blocks other than whole minute blocks (see col. 6, lines 13-19). Raith does teach program code for implementing instructions (see col. 7, lines 46-50). Raith does teach tracking available time based on a number of blocks of time remaining (see col. 8, lines 49-53 and col. 11, lines 26-30). Raith does teach displaying available time with an indication of a number of remaining time blocks (see col. 11, lines 30-38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a service plan that tracks and deducts time usage in time blocks other than whole minute blocks, the program code for implementing the monitoring step includes: program code for tracking available time based on a number of blocks of time remaining; and program code for displaying the available time with an indication of a smallest number of blocks other than whole minutes that is available because this would allow for improved wireless communications usage monitoring compatible with a variety of rate structures.

Regarding claim 24 Raith teaches completing an available time calculation that accounts for a preprogrammed time offset including deducting a first minute when the first minute is free for incoming calls (see col. 9, lines 40-45).

Claims 6-7 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raith in view of Abdella and Kameyama.

Regarding claim 6 Raith and Abdella teach a device as recited in claim 4 except for pre-selecting a non-zero threshold number of minutes of time at which to alert a user that the available usage time within the service plan is approaching zero; and outputting an alert signal

Art Unit: 2683

when the available minutes reaches the pre-selected non-zero threshold, whereby the user is able to refrain from exceeding a total number of minutes within the service plan. Raith does teach pre-selecting a threshold; and outputting an alert signal when the available usage time within an amount of monthly service minutes has exceeded the predetermined threshold (see col. 10, lines 4-14 & 29-36 and col. 11, lines 26-29). Abdella teaches account time information included in a cellular phone service plan (see col. 6, lines 37-40). Kameyama teaches pre-selecting a non-zero threshold at which to alert a user; and outputting an alert signal when the pre-selected non-zero threshold is exceeded or met (see col. 6, lines 1-5 & 28-35 and col. 8, lines 40-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the pre-selected threshold value in Raith adapt to include pre-selecting a non-zero threshold number of minutes because a non-zero threshold value is needed to determine when available minutes are exceeded and it allows for improved notification of time spent on different types of calls.

Regarding claim 7 Raith teaches displaying that includes providing an alert signal by flashing the display (see col. 11, lines 53-57).

Regarding claim 14 Raith, Abdella, and Kameyama teach a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 15 Raith, Abdella, and Kameyama teach a device as recited in claim 7 and is rejected given the same reasoning as above.

### ***Claim Objections***

Art Unit: 2683

Claims 4-7 are objected to because of the following informalities: Dependent claim 4 depends on canceled claim 3 and dependent claims 5-7 depend on claim 4. Appropriate correction is required.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Steele U.S Patent No. 6,564,047 discloses advanced airtime management.

Wise U.S. Patent No. 5,826,185 discloses a cellular phone system wherein the airtime use is predetermined.

Grimes European Patent Application 0 647 055 A1 discloses a cellular telephone billing management system.

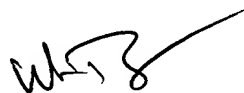
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 24, 2005



**WILLIAM TROST**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**